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Date: August 27, 2005

To: Commissioner for Patents
Fax No. (571) 273-8300

For: Alissa L. Hoey
Patent Examiner
Art Unit 3765

Copy: Docketing Department

From: Allen J. Hoover
Registration No. 24,103
Direct Phone (312) 876-2107

Re: William L. Grilliot *et al.*, Applicants
Application No. 10/782,273
Docket No. MOR3334P0991US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence [this page and a Terminal Disclaimer (referring to Patent No. 6,892,394 B2) on one page] is being facsimile transmitted to the Commissioner for Patents at facsimile number (571) 273-8300 on August 27, 2005.




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P.02

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket No.: MOR3334P0991US
Applicant(s): William L. Grilliot et al.	Confirmation No.: 4228	
Serial No.: 10/782,273	Filing Date: February 19, 2004	
Group Art Unit: 3765	Examiner: Alissa L. Hoey	
Invention: PROTECTIVE METHOD USING PROTECTIVE GARMENT FOR MILITARY OR PARAMILITARY FIREFIGHTER		
<p>The owner*, Morning Pride Manufacturing, L.L.C., of 100% (one hundred percent) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. 6,892,394 B2 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2, if appropriate.</p> <p>1. <input type="checkbox"/> For submission on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.*</p> <p><input type="checkbox"/> Terminal Disclaimer fee under 37 CFR 1.20(d) is enclosed in the amount of: <input checked="" type="checkbox"/> \$130.00 (large entity) <input type="checkbox"/> \$65.00 (small entity)</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.</p>		
August 27, 2005	 Allen J. Hoover, Reg. No. 24,103	
Date		
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER Citigroup Center, Suite 3800 500 West Madison Street Chicago, Illinois 60661-2511 312/876-1800		
* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) Form PTO/SB/96 may be used for making this certification. See MPEP §324.		

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P.03

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket No.: MOR3334P0991US
Applicant(s): William L. Grilliot et al.		Confirmation No.: 4228
Serial No.: 10/782,273	Filing Date: February 19, 2004	
Group Art Unit: 3765	Examiner: Alissa L. Hoey	
Invention: PROTECTIVE METHOD USING PROTECTIVE GARMENT FOR MILITARY OR PARAMILITARY FIREFIGHTER		

The owner*, Morning Pride Manufacturing, L.L.C., of 100% (one hundred percent) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. 6,892,394 B2 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2, if appropriate.

1. ☐ For submission on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.*

☐ Terminal Disclaimer fee under 37 CFR 1.20(d) is enclosed in the amount of: ☒ \$130.00 (large entity)
☐ \$ 65.00 (small entity)

☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.

August 27, 2005

 Date

Allen J. Hoover
 Allen J. Hoover, Reg. No. 24,103

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